

REMARKS

Favorable reconsideration of this application is respectfully requested in view of the following remarks.

Claims 1-23 are pending in this application. Claims 1, 4 and 13 are the only independent claims. By this Amendment, Claim 5 is amended to clarify the recited features, and Claims 21-23 are added. Support for the new claims can be found, for example, in Figs. 1 and 2 of the application. No new matter is added.

Applicants appreciate the courtesies shown to Applicants' representative by Examiners Morano and Smith during the September 16, 2009 personal interview. The reasons warranting favorable action discussed during the interview are incorporated into the following remarks and constitute Applicants' separate record of the interview.

The Official Action objects to the drawings under 37 C.F.R. §1.83(a). In particular, the Official Action believes the rigid elements recited in Claims 9-11 and 18 are not shown in the drawings. The objection is respectfully traversed.

As tentatively agreed during the interview, an example of the rigid elements recited in Claims 9-11 and 18 is shown in Figs. 1 and 2 and identified by reference numeral "24". Paragraph [0015] of the specification states that the elements designated in the drawings with reference numeral "24" are intermediate sleeve shaped metallic elements. Thus, an example of the rigid elements recited in Claims 9-11 and 18 is shown in the drawings. Withdrawal of the objection is respectfully requested.

The Official Action rejects Claims 1-20 under 35 U.S.C. §103(a) over U.S. Patent No. 5,611,284 to Smith et al. ("Smith"), in view of U.S. Patent Application Publication No. 2002/0089102 A1 to Gedenk. The rejection is respectfully traversed.

Independent Claim 1 recites an axlebox-spring-unit of a railway bogie comprising at least one hydraulic spring having a housing required for functionality of the hydraulic spring and an axlebox, with at least a part of the axlebox forming at least a part of the housing.

Independent Claim 4 recites all of the features of Claim 1, and further defines that a spring element of the hydraulic spring is directly connected to the part of the axlebox forming at least a part of the housing.

Independent Claim 13 is directed to an axlebox-spring-unit of a railway bogie comprising an axlebox comprised of at least one cup-shaped region, and at least one hydraulic spring adapted to be connected to a frame of the bogie. The at least one hydraulic spring is secured to the axlebox to define together with the cup-shaped region a volume for receiving a hydraulic fluid.

Smith discloses a rail truck suspension assembly having a pair of axles 26 fitted with a frame 32 of the suspension as shown in Fig. 1 of Smith. As shown in Figs. 2 and 3, each axle 26 is equipped with a pair of elastomeric springs 60, dampers 94 and coil spring sets 58, each disposed at different locations in the assembly. Smith discloses that four bearing housings 52 are provided in connection with the frame 32. Each bearing housing 52 has a pair of longitudinally spaced side walls 62 defining seats 64 for supporting a lower corner of each of the pair of the elastomeric springs 60 as best shown in FIG. 4 (see also col. 6, lines 25-35 of Smith's disclosure). The Official Action appears to take the position that each of the elastomeric springs 60 has a housing as claimed, and that the bearing housing 52 corresponds to the claimed axlebox. The Official Action acknowledges that Smith discloses an elastomeric spring 60 rather than a hydraulic spring, but takes the position that it would have been obvious to provide Smith's assembly with the

hydraulic spring 2 disclosed by Gedenk instead of the elastomeric springs 60 to result in the configuration recited in independent Claims 1, 4 and 13. Applicants respectfully disagree with this position.

To the extent Gedenk's hydraulic spring 2 is even physically capable of being used in Smith's assembly, the resulting modified assembly would not be the axlebox-spring-unit claimed here. Gedenk's hydraulic spring 2 has a spring element 6 attached to an outer ring 8 as shown in Fig. 1 of Gedenk. A cover 12 is secured to the outer ring 8 with a compensating membrane 10 therebetween. As discussed during the interview, the hydraulic spring 2 does not have a housing required for functionality of the hydraulic spring 2, nor an axlebox forming at least a part of the housing as claimed here. Indeed, the December 10, 2008 Official Action acknowledged that Gedenk fails to disclose a housing required for functionality of the hydraulic spring 2 and an axlebox forming at least a part of the housing. Accordingly, the hydraulic spring 2, if included in the assembly disclosed by Smith as set forth in the Official Action, also would be devoid of a housing required for functionality of the hydraulic spring 2 and an axlebox forming at least a part of the housing.

In particular, each elastomeric spring 60 in Smith is secured at one end to a spring adapter 82 that is fastened to a mounting surface 48 of the frame 32. The other end of the elastomeric spring 60 is secured to the seat 64 of the bearing housing 52 as shown in Fig. 4 of Smith. Neither the spring adapter 82 nor the seat 64 is a housing of the elastomeric spring 60. Thus, if the elastomeric spring 60 was replaced with Gedenk's hydraulic spring 2, the hydraulic spring 2 would similarly be devoid of a housing required for functionality of the hydraulic spring 2. Further, the bearing housing 52 (said to correspond to the claimed axlebox) would simply support

the elongate portion of Gedenk's hydraulic spring 2, which protrudes from the spring element 6 as shown in Fig. 1 of Gedenk, at the seat 64. That is, as discussed during the interview, the bearing housing 52 ("axlebox") would not form a part of any *housing* of the hydraulic spring 2. Accordingly, modifying Smith's assembly to include Gedenk's hydraulic spring 2 would not have resulted in an axlebox-spring-unit of a railway bogie comprising at least one hydraulic spring having a housing *required for a functionality of the hydraulic spring* and an axlebox, *at least a part of the axlebox forming at least a part of the housing*, as recited in independent Claims 1 and 4. Thus, independent Claims 1 and 4 are patentable over the combination of Smith and Gedenk for at least these reasons.

In addition, independent Claim 4 defines that a spring element of the hydraulic spring is directly connected to the part of the axlebox forming at least a part of the housing. Even if Gedenk's hydraulic spring 2 was included in Smith's assembly, the spring element 6 disclosed by Gedenk would not be directly connected to any part of the bearing housing 52 ("axlebox"), as discussed during the interview. This is because the spring element 6 is attached to the outer ring 8 as shown in Fig. 1 of Gedenk. Thus, independent Claim 4 is patentable over the combination of Smith and Gedenk for at least these additional reasons.

Further, Gedenk's hydraulic spring 2 would not be secured to the bearing housing 52 ("axlebox") to define together with any cup-shaped region of the bearing housing 52 *a volume for receiving a hydraulic fluid* as recited in independent Claim 13. This is because Gedenk discloses that the hydraulic volume 4a, 4b is closed off by the spring element 6 on one side and delimited by the compensating membrane 10 on the other side (see Fig. 1 and Abstract of Gedenk). Accordingly, as discussed during the interview, Smith's bearing housing 52 ("axlebox") would not define a

volume for receiving the hydraulic fluid of Gedenk's hydraulic spring 2. Thus, modifying Smith's assembly with the hydraulic spring 2 disclosed by Gedenk instead of the elastomeric springs 60 would not have resulted in the configuration recited in independent Claim 13. Thus, independent Claim 13 is patentable over the combination of Smith and Gedenk for at least these reasons.

Claims 2, 3, 5-12 and 14-20 are patentable over Smith and Gedenk at least by virtue of their dependence from the allowable independent claims, as well as for the additional features these claims recite.

For example, Claims 3, 8 and 12 recite that the part of the axlebox forms at least a part of a boundary of a volume for a hydraulic fluid of the hydraulic spring. Even if Gedenk's hydraulic spring 2 was included in Smith's assembly, the bearing housing 52 ("axlebox") would not form at least a part of a boundary of the hydraulic volume 4a, 4b for a hydraulic fluid of the hydraulic spring 2. As discussed above, Gedenk discloses that the hydraulic volume 4a, 4b is closed off by the spring element 6 on one side and delimited by the compensating membrane 10 on the other side (see Abstract of Gedenk). Accordingly, no part of Smith's bearing housing 52 ("axlebox") would form a part of a boundary of the hydraulic volume 4a, 4b for the hydraulic fluid of Gedenk's hydraulic spring 2. Thus, Claims 3, 8 and 12 are patentable over Smith and Gedenk for these additional reasons.

Further, Claim 19 recites that the at least one cup shaped region is a first cup-shaped region and the at least one hydraulic spring is a first hydraulic spring secured to portion of the first cup-shaped region of the axlebox. The claim also sets forth that the axlebox comprises a second cup-shaped region, and that a second hydraulic spring is secured to a portion of the second cup-shaped region to define together with the second cup-shaped region a volume for receiving hydraulic fluid.

Neither Smith nor Gedenk discloses an axlebox comprising *a second cup-shaped region*, and a second hydraulic spring secured to a portion of *the second cup-shaped region* to define together with the second cup-shaped region a *volume for receiving hydraulic fluid*. Thus, Claim 19 is further patentable over Smith and Gedenk for these additional reasons.

Withdrawal of the rejection is respectfully requested.

Claims 21-23 are presented for consideration. These claims are added based on the Examiners' suggestions in view of Russian reference SU 1188033 A ("SU 033") and European reference EP 1 369 616 A1 ("EP 616") discussed during the interview. Claim 21 recites that the spring element is directly connected to an upstanding wall of said part of the axlebox. During the interview, the Examiners acknowledged that the resilient members 4 disclosed by SU 033 are not directly connected to an upstanding wall of the axlebox. In addition, the resilient members 8 disclosed by EP 616 are directly connected to a sealing ring 10 as shown in Fig. 1 of EP 616, rather than to an upstanding wall of an axlebox. Further, the Examiners acknowledged during the interview that the combination of Smith and Gedenk fails to disclose these features.

Claim 22 depends from Claim 21 and recites that the spring element is secured to the axlebox via a sealing device provided at the upstanding wall. To the extent it is said that it would have been obvious to make EP 616's sealing ring 10 integral with the housing 4, such that the resilient members 8 would be directly connected to the housing or axlebox, there would then have been no need for the sealing ring 10 and the screws 14. In other words, EP 616 fails to disclose and would not have rendered obvious the combination of a spring element directly connected to an upstanding wall of an axlebox and secured to the axlebox via a

sealing device provided at the upstanding wall. Further, the Examiners acknowledged during the interview that SU 033, Smith and Gedenk also fail to disclose these features.

Claim 23 recites that at least a portion of the spring element is provided in a hydraulic fluid of the at least one hydraulic spring. The Examiners acknowledged during the interview that EP 616, SU 033, Smith and Gedenk fail to disclose the combination of features recited in Claim 23.

Further, other features that distinguish over SU 033 are currently claimed. For example, in Claims 3, 8 and 12 define that the part of the axlebox forms at least a part of a boundary of a volume for a hydraulic fluid of the hydraulic spring. SU 033 fails to disclose these features.

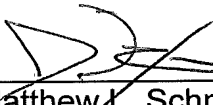
Should any questions arise in connection with this application or should the Examiner believe that a telephone conference with the undersigned would be helpful in resolving any remaining issues pertaining to this application the undersigned respectfully requests that he be contacted at the number indicated below.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: September 25, 2009

By:


Matthew L. Schneider
Registration No. 32814

David R. Kemeny
Registration No. 57241

P.O. Box 1404
Alexandria, VA 22313-1404
703 836 6620